

## REMARKS

Claims 34-45 are currently active.

The Examiner has rejected Claims 34-45 as being unpatentable over Hancock in view of Pickard. Applicants respectfully traverse this rejection.

Hancock teaches a lockable front wheel swivel for lawn mowers. Hancock teaches a front wheel axle assembly which can be selectively locked into a straight-ahead orientation during operation of the mower and by use of controls within the operator's reach during normal cutting operation of the mower. See column 1, lines 5-10. Hancock teaches there is a need to allow for selective locking of commercial-type, walk-behind or sulky-assisted lawn mower wheels during operation of lawn mowers on a slope, particularly a side slope, due to the tendency of such mowers to tend to turn down the hill when cutting on a side slope. See column 1, lines 14-21. Hancock teaches the object of the improved lawn mower is to have a selective swivel wheel locking mechanism which can be operated while the operator is in the typical mowing position. See column 1, lines 55-59.

Hancock teaches the use of a locking bracket 20, which is pivotally mounted relative to the frame 30 of a lawn mower and serves to selectively lock the otherwise swiveling

action of a swivel wheel assembly 50 which includes a wheel 51, a wheel yoke 52, a swivel spindle 54 and a locking pin 56. See column 2, lines 20-30. Hancock teaches the frame 30 includes a hollow elongate sleeve 32 substantially tubular and includes a longitudinal axis which is substantially vertical when in its normal operating position. A swivel wheel assembly 50 is configured to swivel about the swiveling axis S relative to the frame 30, and includes a wheel 51, a wheel yoke 52, a swivel spindle 54 and a locking pin 56. The wheel 51 is mounted for rotation with yoke 52. The elongate switch cylindrical swivel spindle 54 is rigidly mounted to the top of the yoke 52. The locking pin 56 is visually attached to the top marginal end of the swivel spindle such that it forms a type of T at the top of the spindle 54. As a swivel wheel assembly 50 swivels about the swiveling access S relative to the frame 30, so does a locking pin 56 swivel. When unlocked, the swivel wheel assembly 50 is free to swivel 360 degrees.

Hancock teaches the pivoting locking bracket 20 is generally shaped in an inverted channel configuration, and defines 2 downwardly-oriented V-shaped notches which engage and contain the locking pin 56 in order to provide the locking function. The locking bracket 20 is pivotally mounted to the frame member 30 along a substantial horizontal axis which is normal to the plane of paper of figures 1 and 2 by means of a pivot pin 21.

A control cable 70 is used to control the pivoting motion of the pivoting locking bracket 20. The control cable includes a sheath fastened relative to the frame 30, and an internal cable extendable and retractable within the sleeve. Extension of the internal cable causes this engagement of the pivoting locking bracket 20 to the position shown in figure one and retraction of the internal cable causes an engagement of the pivoting locking bracket 20 to the position shown in figure 1.

Springs are used to provide desired spring bias on the pivoting locking bracket 20, to assist the extension or retraction as desired. By pulling back on the control handle 102, a locking bracket 20 can be placed in its unlocked position. By pushing forward, the locking bracket 20 can be moved into the locked position.

Referring to Pickard, there is disclosed a 2 position utility basket. Pickard teaches that the load carrying bottom of a basket 2 is formed as a flat, rectangular platform 4. The load bearing platform 4 is supported by a plurality of wheels 6, affixed in a regular pattern to the bottom 12 of the platform 4. These wheels 6 are pivoting wheels, mounted in bearings 14 so that the direction of rotation may be freely changed. However, in as much as the wheels 6 are fixed to the platform 4, their construction is simple, and casters, such as are used on furniture or the like, are usually suitable. See column 3, lines 37-49.

Pickard teaches that the basket enclosure 16 is interconnected with the load platform 4 by a plurality of two-way latches 26 which support the basket enclosure 16 in two positions with respect to the load platform 4. In a lower position 30, the basket enclosure 16 is dropped to, or held against the floor 8 by its weight. In the second, upper position 32 the basket enclosure 16 is supported by the load platform 4 in a raised position 32, clear of the floor 8. In the lower position 30, the basket, by its own weight, provides a fictional engagement with the floor 8 for the inventive basket 2. This fractional engagement acts as a break, preventing unwanted movement of the basket.

As is clearly apparent from the above description of Pickard, the wheels are fixed to the platform, and are only able to spin around. There is no reason why one skilled in the art would look to a basket that moves up and down on its own weight with the wheels fixed in place to a lawn mower, so that somehow or the lawn mower can be modified to act as a piece of luggage with the wheels able to move horizontally and longitudinally, as found in applicants' claimed invention. It is black letter patent law, that there must be some teaching or suggestion in the references themselves to combine the teachings the examiner is relying upon to arrive at applicants' claimed invention. Here, there is none. It is respectfully submitted the Examiner is using hindsight from applicants' own claims to arrive at applicants' claimed invention. The Examiner is using applicants' limitations as a roadmap to find the various

teachings in different references, and having found them, concluding that applicants' claimed invention is arrived at. This is not patent law.

Furthermore, the Examiner cannot take the teachings out of the context in which they are found. The context of Hancock is in regard to a lawn mower. The context of Pickard is in regard to a laundry baskets. While they both may have wheels, their use and purpose and context is very clear and distinct in unrelated. The wheels of Pickard serve a specific purpose in the specific context and the wheels in Hancock serve a different and distinct purpose. Moreover, there is no reason why the fixed wheels of Pickard have anything at all to do with the wheels of Hancock.

Accordingly, for the reasons that the teachings of Pickard and the teachings of Hancock cannot be combined, applicants' claimed invention is patentable over the applied art of record.

Furthermore, Claim 34, as amended, has the limitation of "said wheel and said castor frame being (i) freely rotatable about an axis of rotation about the rod generally perpendicular to an axis of rotation of said wheel mounted in said castor frame when said wheel bears against the surface in a first position and (ii) longitudinally movable by the rod to automatically orient in a predetermined position different from the first position when said

wheel is not bearing against said surface." As explained above, Hancock teaches specifically that the only way the different positions of any type can be obtained in regard to the lawn mower is by a manual operation of the user with the control cable. Furthermore, because of the nature of the lawn mower and what is desired to be achieved by Hancock, to avoid sliding by the lawn mower down a slope, the movement of the castor is controlled only in the longitudinal direction, but not in an additional perpendicular direction. Accordingly, Claim 34 is patentable over the applied art of record for this reason.

Claims 36-39 are dependent to parent Claim 34 and are patentable for the reasons Claim 34 is patentable.

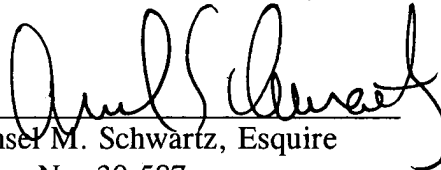
Claim 40 is patentable for the reasons Claim 34 is patentable. Claims 41-45 are dependent to parent Claim 40 and are patentable for the reasons Claim 40 is patentable.

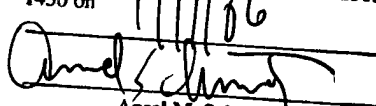
Claim 38 and Claim 44 have the limitation of a biasing means to one said wheel and said wheel or castor frame automatically into said predetermined position when said wheel is not bearing against said surface. Claims 38 and 44 are separately and independently patentable over the applied art of record because of this limitation which is not taught by the applied art of record.

In view of the foregoing amendments and remarks, it is respectfully requested that the outstanding rejections and objections to this application be reconsidered and withdrawn, and Claims 34-45, now in this application be allowed.

Respectfully submitted,

PAOLO M.B. TIRAMANI, ET AL.

By   
Ansel M. Schwartz, Esquire  
Reg. No. 30,587  
One Sterling Plaza  
201 N. Craig Street  
Suite 304  
Pittsburgh, PA 15213  
(412) 621-9222

**CERTIFICATE OF MAILING**  
I hereby certify that this correspondence  
is being deposited with the U.S. Postal  
Service as first class mail in an envelope  
addressed to: Commissioner for Patents,  
P.O. Box 1450, Alexandria, VA 22313-  
1450 on 11/11/06  
  
Ansel M. Schwartz  
Registration No. 30,587

Attorney for Applicants